

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

STEVEN KEITH DONOGHUE,

Plaintiffs,

v.

Supt. MARK NOTTH, et al.,

Defendants.

Case No.: 6:13-cv-1675-TC

ORDER

MCSHANE, Judge:

Magistrate Judge Thomas M. Coffin filed a Findings and Recommendation, ECF No. 42, and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff filed objections to the Findings and Recommendation. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). I find no error and conclude the report is correct.

1 –ORDER

The Prison Litigation Reform Act states “No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” § 1997e(a) (2000 ed.). Plaintiff, a prisoner, brings claims under section 1983. There is no dispute that plaintiff failed to fully exhaust the administrative remedies available by not pursuing the second level of the grievance procedures. Because plaintiff failed to properly exhaust the available administrative remedies, his claims are barred. *Woodford v. Ngo*, 548 U.S. 81, 93 (2006).

Magistrate Judge Coffin’s Findings and Recommendation, ECF No. 42, is adopted in full. Defendants’ Motion for Summary Judgment, ECF No. 30, is GRANTED.

IT IS SO ORDERED.

DATED this 31st day of March, 2015.

/s/ Michael J. McShane
Michael J. McShane
United States District Judge